

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

LUNIQUE AGOSTINI,

Plaintiff,

-v-

THE ASTORIA BOOKSHOP,

Defendant.

CIVIL ACTION NO.: 24 Civ. 8837 (PAE) (SLC)

**ORDER**

**SARAH L. CAVE**, United States Magistrate Judge.

On February 18, 2025, Defendant Astoria Bookshop, LLC (the “Bookshop”) filed a Motion to Dismiss Plaintiff Lunique Agostini’s Complaint alleging a violation of the Americans with Disabilities Act. (ECF No. 15 (the “MTD”)). In lieu of a response to the MTD, Plaintiff filed an Amended Complaint. (ECF No. 19). Now before the Court is the Bookshop’s letter-motion seeking an extension of time to respond to the Amended Complaint. (ECF No. 19 (the “Letter-Motion”)). The Letter-Motion is GRANTED, and the Bookshop shall answer, move against, or otherwise oppose the Amended Complaint by **Friday, April 4, 2025**.

In light of the Bookshop’s anticipated answer or motion in response to the Amended Complaint, the Court denies the MTD as moot. See Pettaway v. Nat’l Recovery Sols., LLC, 955 F.3d 299, 303–04 (2d Cir. 2020) (“[W]hen a plaintiff [] amends [a] complaint after a defendant has filed a motion to dismiss that is still pending, the district court has the option of either denying the pending motion as moot or evaluating the motion in light of the facts alleged in the amended complaint.”).

The Clerk of Court is respectfully directed to close ECF Nos. 15 and 19.

Dated: New York, New York  
March 17, 2025

SO ORDERED.

A handwritten signature in black ink, appearing to read "Sarah L. Cave", is written over a horizontal line.

**SARAH L. CAVE**  
**United States Magistrate Judge**